

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE EMERGENCY MEDICAL SERVICES REGULATORY BOARD

In the Matter of James Oman, EMT-P  
Certificate Number: 509990

**PROTECTIVE ORDER**

Upon the request of the Complaint Review Panel of the Emergency Medical Services Regulatory Board (Review Panel), and pursuant to Minn. Stat. §§ 13.03, subd. 6, and 14.60, subd. 2, and Minn. R. 1400.6700, subp. 4, it is ordered that:

1. Disclosure of not public data is permitted in the course of this matter, but is limited to parties, counsel of record, employees assisting counsel, and representatives and witnesses of the parties to the extent necessary to prepare and present claims and defenses. Independent experts or consultants working with counsel are bound by the terms of this Protective Order and, prior to disclosure of not public data or within a reasonable time thereafter, must sign an affidavit agreeing to be bound by the terms of this Protective Order.

2. James Oman and his counsel and representatives or witnesses may not disclose any data encompassed by this order to persons other than those mentioned above, and must return all data released pursuant to this order to counsel for the Complaint Review Panel at the conclusion of this matter.

3. In all pleadings and the Administrative Law Judge's orders and reports related to this matter, the identity of patients and complainants shall be protected by referring to such individuals by number or initials only. "Pleadings" includes but is not limited to the notice and order for hearing, motions, and responses to motions.

4. Unless otherwise ordered, depositions shall be closed, and deposition transcripts shall be sealed. Not public data may be disclosed to witnesses and deponents as necessary to adequately conduct this litigation, provided that such persons agree in writing or on the record to be bound by the terms of this Protective Order and not disclose any private or confidential data outside of this proceeding.

5. The hearing in this matter is presumed open. If a transcript is ordered, the names of patients and complainants shall be redacted and replaced by non-identifying initials or aliases. Any exhibits received in evidence that

contain not public data will be redacted or kept under seal, as determined by the Administrative Law Judge.

6. The data encompassed by this order may be used only in this proceeding and not for any other purpose, including collateral litigation, unless otherwise ordered by a district court.

7. The Review Panel shall produce the documents and information requested by Respondent in the discovery process herein, notwithstanding the fact that such documents and information contain data classified as not public pursuant to Minn. Stat. § 13.41, so long as Respondent is the subject of the data or a patient referenced in the pleadings is the subject of the data. This Order does not require the Review Panel to produce not public data regarding other subjects or privileged materials. If the Review Panel objects to producing information or documents on such grounds, Respondent may seek production of the information or documents through a motion pursuant to Minn. R. 1400.6600 and other applicable Minnesota law.

8. While this matter is pending before the Office of Administrative Hearings, any party at any time may seek by appropriate pleading with adequate notice to have documents that have been designated as not public data removed from the protective requirements of this Protective Order or to have them handled in a manner differently than described in this Protective Order.

Dated: March 2, 2009

s/Kathleen D. Sheehy

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KATHLEEN D. SHEEHY  
Administrative Law Judge